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Attorney for: MICHAEL SCHWARTZ

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL SCHWARTZ,

Defendant.

No.CRS-99-151 LKK

STIPULATION AND ORDER
AMENDING RESTITUTION
ORDER

Defendant, MICHAEL SCHWARTZ, through his attorney, PETER KMETO,
and the United States of America, through its counsel of record, R. STEVEN
LAPHAM, stipulate and agree to the following:

In 1999 Schwartz and his co-defendants entered a guilty plea to conspiracy
to steal government property in violation of 18 USC §371. The three broke into the
Skaggs Island Navy Base (decommissioned in the late '80's) and removed copper
wire and other recyclable materials from two decommissioned Navy buildings. They
then burnt the insulation off the wire and sold the copper scrap to local recyclers. In
the course of breaking into the buildings and stripping the copper wiring, they
caused significant damage to the buildings and their infrastructure. Prior to
sentencing, a Navy engineer estimated that to rebuild these buildings would cost,
conservatively, \$1,332,926.

On or about December 17, 1999, Schwartz entered a guilty plea to one

1 count of conspiracy to steal government property, 18 USC §371. As part of his
2 sentence the court ordered restitution, jointly and severally with his co-defendants,
3 of \$1,332,926.00.

4 Mr. Schwartz has been released from supervision, having fulfilled all his
5 obligations with the exception of paying the \$1,332,926.00 in restitution.
6 He has paid several hundred dollars in restitution, has a job earning him
7 approximately \$1,800.00 per month and has a wife and child whom he supports
8 with this salary. As a result of his being released from supervision, his restitution
9 obligation has been transferred to the Civil Unit of the United States Attorneys
10 Office, where the obligation has become a civil judgment against him (and a lien in
11 favor of the government) that will last for the next 20 years.

12 The parties stipulate and agree that this court continues to have jurisdiction
13 over the requirement of the payment of restitution. The parties further stipulate and
14 agree that because the government did not incur the cost of rebuilding the buildings
15 and has no intention to do so in the future, the reason for the restitution order no
16 longer exists.

17 Therefore, the parties stipulate and agree that the court may amend its order
18 for restitution and require no further payment from Mr. Schwartz.

19 IT IS SO STIPULATED.

20 Dated: Oct 3, 2006

McGREGOR W. SCOTT
United States Attorney

21
22 /s/ R. Steven Lapham
By: R. STEVEN LAPHAM
23 Assistant U.S. Attorney


24
25 Dated: October 3, 2006

/s/ Peter Kmeto
Attorney for Defendant

ORDER

UPON GOOD CAUSE SHOWN and the stipulation of all parties, it is ordered that the court order of restitution in the amount of \$1,332,926.00 be amended to that amount already paid by Schwartz and his co-defendants and that no further amounts be either due or payable.

DATED: October 5, 2006


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT